**GOVERNMENT OF ANDHRA PRADESH**
**ABSTRACT**

The A.P. Prevention of Dangerous Activities of Bootleggers, Dacoits, Drug Offenders, Goondas, Immoral Traffic Offenders and Land Grabbers Act, 1986 (Act No.1 of 1986) – Order of detention made by the Collector & District Magistrate, Chittoor District, Chittoor in respect of **Sri K. Shanmugam @ K.P. Shanmugam, S/o Kundalingam, aged 28 years, D.No. 22, Sriram Nagar, Edapalayam, Red Hills, Chennai - 52** - Confirmed – Orders – Issued.

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**GENERAL ADMINISTRATION (LAW & ORDER) DEPARTMENT**

**G.O.RT.No. 35** **Dated 05.01.2016**
**Read the following:-**

1. From the Collector & District Magistrate, Chittoor District, Chittoor, Proc. Roc. No. C2/7602/2015, Dt:07.11.2015.
2. G.O.Rt.No. 3422, G.A.(L&O) Dept., dated 18.11.2015.
3. Govt. Letter No.156/L&O/A3/2015-2, Dated 23.11.2015.
4. From the Advisory Board Report Dated 08.12.2015.
5. Representations dt. 21.11.2015 of **Sri K. Shanmugam, S/o Kundalingam, aged 28 years, D.No. 22, Sriram Nagar, Edapalayam, Red Hills, Chennai – 52, Tamil Nadu State.**

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**ORDER:**

WHEREAS, the Collector & District Magistrate, Chittoor District, Chittoor has made an order of detention, vide reference first read above under Section 3 (1) & (2) r/w. Section 2(a) & (g) of the Andhra Pradesh Prevention of Dangerous Activities of Bootleggers, Dacoits, Drug Offenders, Goondas, Immoral Traffic Offenders and Land Grabbers Act, 1986 (Act No.1 of 1986), against **Sri K. Shanmugam @ K.P. Shanmugam, S/o Kundalingam, aged 28 years, D.No. 22, Sriram Nagar, Edapalayam, Red Hills, Chennai - 52,** for illicit cutting, storing and transportation of Red sanders trees from the forest areas and smuggling to various destinations, with a view to prevent him from further indulging in a manner prejudicial to the maintenance of public order;

2. AND WHEREAS, the Government have accorded approval of the said detention order under sub-section (3) of Section 3 of the Act, vide Government Orders second read above;

3. AND WHEREAS, under Section 10 of the Act, Government within three weeks from the date of detention of a person under the order shall place the case before the Advisory Board on Preventive Detentions, constituted under Section 9 of the said Act, comprising of Justice Sri T.L.N. Reddy (Retired), Chairman and two other Members and the Advisory Board shall submit its report to Govt., within seven weeks from the date of detention under Section 11(1) of the said Act. The above said case was placed before the Advisory Board for its consideration and to submit its report to Government, under Section 11 (1) of the said Act, vide reference 3rd read above. The case was reviewed by the Advisory Board on 08.12.2015 and after having heard the detenu besides his Mother, Smt. Panjavaranam and his wife, Smt. S. Anupriya and perused the representation of the detenu and the Investigating Officer and also upon perusing the grounds of detention and the connected records, has reported that in its opinion, "there is sufficient cause for the detention of the detenu, **Sri K. Shanmugam @ K.P. Shanmugam, S/o Kundalingam, aged 28 years, D.No. 22, Sriram Nagar, Edapalayam, Red Hills, Chennai - 52**";

4. AND WHEREAS, the Government on careful examination of the entire record hereby reject the representation dated 21.11.2015 of the detenue, **Sri K. Shanmugam @ K.P. Shanmugam, S/o Kundalingam, aged 28 years, D.No. 22, Sriram Nagar, Edapalayam, Red Hills, Chennai – 52,** who was addressed to the Chief Secretary, Advisory Board and Collector & District Magistrate, Chittoor vide reference 5th read above. And it is observed that the detenu, was involved in as many as in 7 (Seven) cases. The above cases were registered against him, under the provisions of Section 20(1) (ii) (iii) (iv) & (X) of A.P. Forest Act, and also under Section 29 of Wild Life Protection Act, 1972 and 55(2) of Biological Diversity Act, 2002 and Section 307, 353,378 & 379 IPC. The details shows that he is a habitual offender. He is committed a series of forest offences by entering Government Reserve Forests without proper authorisation, serving standing red sanders trees heart wood to secret destinations in

**(PTO)**

Chennai and other countries. He has not stopped the same type of offences, even after cases and charge sheets were filed against him. It is also evident from the case records that he is engaging huge number of persons in the clandestine business and they were arrested along with the red sander stock at the time cutting of tress and during transportation. The said activities are dangerous to forest wealth and prejudicial to maintenance of public order apart from disturbing the peace, tranquility, social harmony / order in the society and he became a source of potential danger to the public. The said offences are punishable under Forest Act, 1967 and the rules made there under, as well as Chapter XVI or XVII or XXII of IPC. As such the activities of the individual falls under and within the meaning of 'Goonda' as defined under section 2(g) of Act 1 of 1986. All the incidents mentioned in the grounds of detention clearly substantiate as to how the acts of the detenu are prejudicial to the maintenance of public order. In catena of decisions, the Hon'ble Courts held that 'any acts of attempt or illegal cutting of the red sander trees and smuggling the timber, would certainly have its impact on the public order. The detaining authority having taken into account and consideration of indulgence of the detenu in the above said activities repeatedly at regular intervals and having satisfied that the penal laws have failed to curb his illegal activities, has passed the detention order against the detenu by invoking the provisions under the Act 1of 1986, in order to prevent him from indulging further in such activities, which are prejudicial to maintenance of public order and dangerous to forest wealth. The Advisory Board after review of the case, has opined that there is sufficient cause for the detention of the Detenu. As such, the detenu deserves the maximum period of detention, as provided under Section 13 of the Act;

5. Now, therefore, after due consideration of the report of the Advisory Board and the material available on record, Government, in exercise of the powers conferred under sub-section (1) of Section 12 read with Section 13 of the said Act, hereby confirm the Order of Detention made by the Collector & District Magistrate, Chittoor District, Chittoor in the reference 1st read above, as approved in the G.O. 2nd read above and direct that the detention of **Sri K. Shanmugam @ K.P. Shanmugam, S/o Kundalingam, aged 28 years, D.No. 22, Sriram Nagar, Edapalayam, Red Hills, Chennai - 52,** be continued for a period of 12 (Twelve) months from the date of his detention, i.e. 09.11.2015

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**I.Y.R. KRISHNA RAO**
**CHIEF SECRETARY TO GOVERNMENT**

To
**Sri K. Shanmugam @ K.P. Shanmugam, S/o Kundalingam, aged 28 years, D.No. 22, Sriram Nagar, Edapalayam, Red Hills, Chennai – 52 <u>through</u>** the Superintendent of Jails, Central Prison, Kadapa, YSR District .
The Superintendent of Jails, Central Prison, Kadapa, YSR District
(He should serve the order on the detenu immediately under proper acknowledgement and arrange to read over and explain the contents of te same in the language known to him and report compliance to Government forthwith)
The Collector & District Magistrate, Chittoor District, Chittoor.
The Superintendent of Police, Chittoor District, Chittoor.
<u>Copy to:</u>
The Director General of Police, A.P., Hyderabad.
The Director General of Prisons and Correctional Services,
A.P., Hyderabad.
The Addl. Director General of Police (Intelligence), A.P., Hyderabad.
The Special Government Pleader, Attached to LAG, A.P., Hyderabad.
SC/SF.

//FORWARDED::BY ORDER//

**SECTION OFFICER (SC)**